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PATENT

Attorney Docket No. OUTT-011/01US

Express Mail Label Number:

EV316 174 890US

OFFICE OF PETITIONS

Date: January 16, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark Henry HARTMANN et al.

Examiner: EASHOO, Mark

Serial No.: 09/777,512

Art Unit: 1732

Confirmation No.: 8432

Customer No.: 23419

Filed: February 06, 2001

Attorney Docket No.: OUTT-011/01US

For: MELT SPINABLE CONCENTRATE PELLETS HAVING ENHANCED REVERSIBLE
THERMAL PROPERTIES

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b) TRANSMITTAL**

Enclosed please find the following:

- ☒ Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64)
- ☒ Declaration Supporting Petition Under 37 CFR §1.137 (b)
- ☒ Response to Office Action dated July 2, 2003 filed on October 2, 2003
- ☒ Return receipt postcard

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Date: **January 16, 2004**

Cooley Godward LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663
CZR:mrc

Respectfully submitted,
COOLEY GODWARD LLP

By:



Cliff Z. Liu
Reg. No. 50,834



Approved for use through 07/31/2006. OMB 0651-0031
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Docket Number (Optional)
OUTT-011/01US

01/21/2004 MDAMTE1 00000015 033117 09777512
01 FC:1453 1330.00 DA

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee –required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

- ☒ Other than small entity – fee: Please charge any appropriate fees to Deposit Account No. 03-3117 (37 CFR 1.17(m))

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

#B#P01!.DOC

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

January 16, 2004

Date

Telephone

Number: 650-843-5852



Signature

Cliff Z. Liu

Typed or printed name

Five Palo Alto Square

Address

Enclosures: ☒ Fee Payment Deposit Account No. 03-3117

☒ Reply

3000 El Camino Real

Address

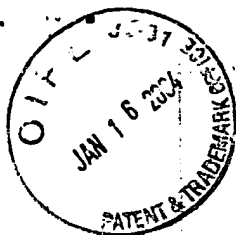
Palo Alto, CA 94306-0663

Address

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Declaration Supporting Petition Under 37 CFR 1.137 (b)



THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

☐ REGULAR/PROVISIONAL APPLICATION:

- ☐ PPS DESCRIPTION
☐ PPS CLAIMS
☐ PPS ABSTRACT

- ☐ PROVISIONAL COVER SHEET
☐ APPLICATION DATA SHEET
☐ DRAWINGS: _____ SHEETS OF INFORMAL/FORMAL
☐ EXECUTED/UNEXECUTED DECLARATION / POA
☐ POWER OF ATTORNEY
☐ RECORDATION FORM COVER SHEET
☐ ASSIGNMENT
☐ ASSERTION OF SMALL ENTITY STATUS
☐ REQUEST FOR REFUND
☐ RESPONSE/AMENDMENT
☐ RESPONSE TO NOTICE TO FILE MISSING PARTS
☐ NOTICE TO FILE MISSING PARTS

SERIAL NO.: 09/773,512
ATTORNEY DOCKET NO.: OUTT-011/01VS
MAIL DATE: 6/25/02
DUE DATE: _____
ATTORNEY/SECRETARY: C2L/dm

☐ RESPONSE TO NOTICE TO FILE MISSING PARTS

- ☐ NOTICE TO FILE MISSING PARTS
☒ INFORMATION DISCLOSURE STATEMENT
☒ FORM PTO/SB/08

- ☒ CITED REFERENCES 129
☐ SEQUENCE LISTING - HARD COPY
☐ SEQUENCE LISTING - ASCII FORMAT, DISKETTE / CD
☐ NOTICE OF APPEAL
☐ APPEAL BRIEF
☐ ISSUE FEE TRANSMITTAL

- ☒ TRANSMITTAL
☐ REQUEST FOR CORRECTION OF _____
☐ PETITION FOR EXTENSION OF TIME (____ MONTHS)
☐ CHECK NO. _____ FOR \$ _____
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BOX _____

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